

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

State of Nevada,

Case No.: 2:24-cv-02114-JAD-DJA

Plaintiff

**Order Adopting Report and
Recommendation and Remanding
Improperly Removed Case**

v.

Mr. Clayton-M. Bernard-Ex.,

[ECF Nos. 4, 5, 13]

Defendant

Mr. Clayton-M. Bernard-Ex. was a defendant in a criminal case in the Las Vegas Justice Court. Theorizing that his constitutional, civil, and intellectual-property rights were violated in the course of his 2017 arrest and resulting prosecution, Mr. Clayton-M. Bernard-Ex., representing himself pro se, “removed” his criminal prosecution to this court and demands more than \$38 billion in damages.¹ He has also filed motions “to dismiss” and for “summary judgment,” seeking orders disposing of that state prosecution.²

Because Mr. Clayton-M. Bernard-Ex. applies to proceed *in forma pauperis*, the magistrate judge screened his complaint and recommends that this case be remanded back to state court because it was improperly removed.³ The deadline for Mr. Clayton-M. Bernard-Ex. to object to that recommendation was January 24, 2025. Though he filed an appeal of that report and recommendation to the Ninth Circuit (which will undoubtedly be dismissed as improper because the magistrate judge’s recommendation is not appealable),⁴ he filed no objection to the report and recommendation and did not ask to extend the deadline to do so.

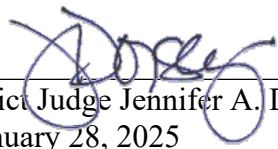
¹ ECF No. 1-4.

² ECF Nos. 4, 5.

³ ECF No. 13.

⁴ ECF No. 14. The appeal was assigned Appellate Case Number 25-385. ECF No. 15.

1 “District judges must review the magistrate judge’s findings and recommendations de
2 novo if objection is made, but not otherwise.”⁵ Having reviewed the report and
3 recommendation, I find good cause to adopt it, and I do. IT IS THEREFORE ORDERED that
4 the report and recommendation [ECF No. 13] is adopted in full, **THIS CASE IS REMANDED**
5 **back to the Las Vegas Justice Court, Case No. 17F17046X, and all pending motions [ECF**
6 **Nos. 4, 5] are DENIED as moot.** The Clerk of Court is directed to **REMAND and CLOSE**
7 **THIS CASE.**

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U.S. District Judge Jennifer A. Dorsey
Dated: January 28, 2025

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⁵ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (cleaned up) (emphasis omitted).